



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

IN THE MATTER OF:

REPLY TO THE ATTENTION OF:

Agri-Fine Corporation
2701 East 100th Street
Chicago, Illinois 60617

ATTENTION:

Mike Hoelzeman
President and CEO

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Agri-Fine Corporation ("Agri-Fine" or "you") to submit certain information about your facility located at 2701 East 100th Street, Chicago, Illinois. Appendix A specifies the information that you must submit.

We are issuing this information request under Section 114(a) of the Clean Air Act ("CAA" or "the Act"), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

We are requesting this information to determine whether your emission sources are complying with the Act.

You must send all requested information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

You may assert a claim of business confidentiality for any portion of the submitted

information under 40 C.F.R. Part 2, Subpart B. Appendix B specifies the assertion and substantiation requirements for business confidentiality claims.

Agri-Fine must submit all requested information under an authorized signature with the following certification:

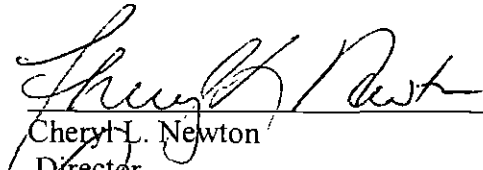
"I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341."

We may use any information submitted in response to this request in an administrative, civil, or criminal action.

This request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq. To aid in our electronic record keeping efforts, please provide your response to this request for information without staples. Paper clips, binder clips, and 3-ring binders are acceptable.

Failure to comply fully with this request for information may subject Agri-Fine to an enforcement action under Section 113 of the Act, 42 U.S.C. § 7413. You should direct any questions about this request for information to Eleanor Kane at (312) 353-4840.

1/27/11
Date


Cheryl L. Newton
Director
Air and Radiation Division

Appendix A

Within *65 days* of the receipt of this request, Agri-Fine Corporation must perform the specified stack testing at their Chicago, Illinois facility ("facility") located at 2701 East 100th Street, pursuant to Section 114 of the Clean Air Act ("CAA" or "the Act"), 42 U.S.C. § 7414. Within *30 days* after completion of those tests, Agri-Fine Corporation must submit the results of the stack tests for EPA review. Specifically, Agri-Fine Corporation must fulfill the following requirements outlined below:

- I. Concurrently, for both the air flow upstream of the facility scrubber and the emissions downstream of the facility scrubber, quantify the mass emissions rates of the following pollutants in accordance with EPA reference methods or alternative methods approved by EPA:
 - A. Sulfur dioxide emissions (e.g. using EPA Reference Methods 1-4 and 6 or 8);
 - B. Hydrogen sulfide emissions (e.g. using EPA Reference Method 15);
 - C. Sulfuric acid mist (e.g. using EPA Reference Method 8); and
 - D. Volatile organic compounds reported as mass of propane (e.g. using EPA Reference Methods 1-4 and 25 or 25A).
- II. During the testing conducted for item I, Agri-Fine shall operate their facility at maximum production rates and under representative conditions.
- III. Agri-Fine Corporation shall provide notification of the intent to test as required by item I of this information request to U.S. EPA and IEPA no later than *35 days* prior to testing. Notification shall include the scheduled testing date and a proposed testing protocol that completely describes the methods and procedures for testing. Agri-Fine shall conduct the testing under a protocol approved in advance by U.S. EPA. The protocol shall address the requirements of item I of this information request.
- IV. Agri-Fine Corporation shall submit a complete report of the emissions testing on its facility, within *30 days* of completion of the tests. The report shall include the following, at a minimum:
 - A. Summary of Results
 1. Results of the above described emission tests;
 2. Process and control equipment data related to determination of compliance;
 3. Discussion of test errors;

4. Discussion of any deviations from the reference test methods; and
5. Production data.

B. Facility Operations

1. Description of the process and control equipment in operation;
2. Operating parameters of the scrubber and related equipment at the time of the test; and
3. Facility operating parameters that demonstrate that the facility was being operated at maximum production rates.

C. Sampling and Analytical Procedures

1. Sampling port location(s) and dimensions of cross-section;
2. Sampling point description, including labeling system;
3. Brief description of sampling procedures, including equipment and diagram;
4. Description of sampling procedures (planned and accidental) that deviated from any standard method;
5. Brief description of analytical procedures, including calibration;
6. Description of analytical procedures (planned or accidental) that deviated from any standard method; and
7. Quality control/ quality assurance procedures, tests and results.

D. Appendix

1. Complete results with example calculations;
2. Raw field data (original, not computer printouts);
3. Laboratory report, with signed chain-of-custody forms;
4. Calibration procedures and results;

5. Raw process and control equipment data, signed by plant representative;
6. Test log;
7. Project participants and titles; and
8. Related correspondence.

Appendix B

Confidential Business Information ("CBI") Assertion and Substantiation Requirements

A. Assertion Requirements

You may assert a business confidentiality claim covering all or part of the information requested in the attached letter, as provided in 40 C.F.R. §2.203(b). To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a legend to indicate the intent to claim confidentiality. The stamped or typed legend, or other suitable form of notice, should employ language such as "trade secret" or "proprietary" or "company confidential" and indicate a date if any when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by the U.S. Environmental Protection Agency only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act ("CAA" or "the Act"), and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise nonconfidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as "Personal Privacy Information" given that disclosure of such information to the general public may constitute an invasion of privacy.

B. Substantiation Requirements

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. §2.208 which provides in part that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible:

- 1) For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
- 2) Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
- 3) What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
- 4) Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
- 5) Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
- 6) For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
- 7) Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
- 8) Any other issue you deem relevant.

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of emission of any substance into the air-

Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;
 Information necessary to determine the identity, amount, frequency,

concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C).

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

CERTIFICATE OF MAILING

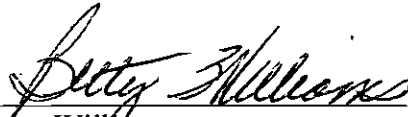
I, Betty Williams, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Mr. Mike Hoelzeman
Agri-Fine Corporation
2701 East 100th Street
Chicago, Illinois 60617

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First Class Mail to:

Mr. Ray Pilapil, Manager
Compliance and Systems Management Section, Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue
Springfield, Illinois 62702

on the 27th day of January 2011.


Betty Williams
Administrative Program Assistant
Planning and Administration Section

Certified Mail Receipt Number: 70091680 00007670 2072